

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-23 were previously pending. Through this Reply, claims 24-38 are added. Therefore, claims 1-35 are pending. Claims 1, 2, 3, 4, and 5 are independent.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that the Examiner indicates claims 8, 15 and 16 to define allowable subject matter.

§ 102 REJECTION – NAKAZAWA

In the Final Office Action, claims 1-5, 9 and 19-23 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Nakazawa et al. (USP 6,331,903). Applicant respectfully traverses.

For example, independent claim 1 recites, in part, "obtaining image data by photographing an image and recording the image data into a recording medium" and, "carrying out the image output service based on the order information recorded in the recording medium." In other words, both the image data and the corresponding order information are recorded in the same

recording medium. Further, the image output service is based on the order information recorded in the recording medium.

In the Final Office Action, the Examiner refers to Figure 8 of Nakazawa and alleges that Nakazawa discloses an order processing method comprising the steps of obtaining image data by photographing an image data using a CCD 13 and storing all picture data for the photographed frames in the recording medium 60. First, Applicant maintains all transversal arguments made in the previous replies. For example, Applicant amply demonstrated that the system as disclosed in Nakazawa cannot be equivalent to the digital camera as recited. Thus, Nakazawa cannot be relied upon to teach any of the aspects as claimed.

But for the sake of argument, Applicant will take the Examiner's allegation at its face value. Since the Examiner alleges that the recording medium 60 as disclosed in Nakazawa includes both the photographing image data as well as the order information data, then the Examiner is alleging that the recording medium 60 is equivalent to the recording medium as recited.

But contrary to the Examiner's allegation, Nakazawa does not teach carrying out the image output service based on the order information recorded in the recording medium. Referring to Figure 8, Nakazawa discloses when the film cartridge 80 is set at the cartridge receiving section 16 of the negative scanner section 10, the CPU starts the film loading operation through the film

drive section 15. For each frame of the film, the negative image is scanned, converted to a positive image and displayed on the monitor section 30. The client can confirm the ordering information by watching the display on the monitor section 30 and operating the control key 50. When the confirmation and amendments for each frame are carried out, the order information is written to a different recording medium, namely to the magnetic records strip of the film 84. *See Nakazawa, column 8, lines 21-57.*

In other words, the actual image output service is not carried out by this system as disclosed in Nakazawa. Presumably, the user may take the film 84 to a print service shop so that the image output service order information recorded on the magnetic strip of the film itself can be carried out. It should be noted that there is no disclosure whatsoever in Nakazawa to carry out the image output service based on the order information recorded in the recording medium 60.

Nakazawa does disclose that when ordering is completed, the CPU outputs the order information to the printer 24 by which the order details may be printed out. *See Nakazawa, column 9, lines 1-3.* This merely provides a document record of the order to the user. But there is no disclosure that the actual image output service, such as outputting a requested number of copies

for each image data, is carried out through the printer 24. Clearly, for at least this reason, independent claim 1 is distinguishable over Nakazawa.

Independent claim 2 recites, in part, "output instruction means for instructing, based on the order information recorded in the recording medium, output of the image data to various kinds of output apparatuses." Clearly, independent claim 2 is distinguishable over Nakazawa.

Independent claim 4 recites, in part, "output instructing means for instructing, based on the order information recorded in the recording medium, output of the image data to various kinds of output apparatuses." Again, it is clear that independent claim 4 is distinguishable over Nakazawa.

Independent claim 3, recites, in part, "wherein the data obtaining means, the display means, the instruction receiving means, the order information recording means, the order content confirming means, and the order certifying means are physically integrated in a single body of the digital camera." As mentioned previously, Applicant disagrees with the system as disclosed in Nakazawa as equivalent to the digital camera. But even if the Examiner's allegation is taken at its face value, it is clear that all the elements of the system as disclosed in Nakazawa are embodied as physically separate devices. Clearly, independent claim 4 is distinguishable over Nakazawa.

Independent claim 5 recites, in part, "wherein the photographing means, the image recording means, the display means, the instruction receiving means, the order information recording means, the order content confirming means, and the order certifying means are physically integrated in a single body of the digital camera." It is clear that independent claim 5 is distinguishable over Nakazawa.

Claims 9 and 19-23 depend from independent claims 1-5. Then for at least due to the dependency thereon, these dependent claims are also distinguishable over Nakazawa.

The dependent claims are also distinguishable on their own merit. For example, claim 9 recites, in part, "the order certifying means certifies an order by setting a read-write property of the order file to read-only." In the Final Office Action, the Examiner did not even address this feature.

Claims 19-23 recite "wherein the digital camera is capable of directly taking an image of a real object." Clearly, since this system as disclosed in Nakazawa is purely designed to scan an image already recorded onto a negative film, this system is incapable of directly taking the image of the real object.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 1-5, 9 and 19-23 based on Nakazawa be withdrawn.

§ 103 REJECTION – NAKAZAWA, ALLEN

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Allen et al. (USP 5,737,491). Applicant respectfully traverses.

Claims 6 and 7 depend from independent claim 5 directly or indirectly. It is clearly demonstrated above that claim 5 is distinguishable over Nakazawa. Allen is not, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is distinguishable over the combination of Nakazawa and Allen. Then, for at least due to the dependency thereon, claims 6 and 7 are also distinguishable over the combination of Nakazawa and Allen.

These claims are also distinguishable on their own merit. For example, claim 6 recites, in part, "the digital camera further comprising confirmation operation canceling means for canceling the order confirmation operation ... when deletion of image data representing at least one image recorded in the recording medium is carried out." The Examiner admits that Nakazawa fails to disclose such feature.

However, the Examiner alleges that Allen discloses a verbal command "erase" that deletes an image file. Even if the Examiner's allegation is taken at face value, this only suggests that the device as disclosed in Allen erases image

data based on a specific command to erase the image. There is no disclosure whatsoever in Allen that suggests or teaches deleting the image data when an order confirmation is canceled. Thus, contrary to the Examiner's allegation, claim 6 is distinguishable on its own merit over the combination of Nakazawa and Allen.

Applicant respectfully requests that the rejection of claims 6 and 7 based on Nakazawa and Allen be withdrawn.

§ 103 REJECTION – NAKAZAWA, WALKER

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Walker et al. (USP 6,381,582). Applicant respectfully traverses.

Claims 10-12 depend from independent claim 5, and it is clearly demonstrated above that claim 5 is distinguishable over Nakazawa. Walker is not, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is distinguishable over the combination of Nakazawa and Walker. Then, for at least due to the dependency thereon, claims 10-12 are also distinguishable over the combination of Nakazawa and Walker.

Applicant respectfully request that the rejection of claims 10-12 based on Nakazawa and Walker be withdrawn.

§ 103 REJECTION – NAKAZAWA, SLOTZNICK

Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Slotznick et al. (USP 5,983,200). Applicant respectfully traverses.

Claims 13-14 depend from independent claim 5, and it is clearly demonstrated above that claim 5 is distinguishable over Nakazawa. Slotznick is not, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is distinguishable over the combination of Nakazawa and Slotznick. Then, for at least due to the dependency thereon, claims 13-14 are also distinguishable over the combination of Nakazawa and Slotznick.

Applicant respectfully request that the rejection of claims 13-14 based on Nakazawa and Slotznick be withdrawn.

§ 103 REJECTION – NAKAZAWA, PARULSKI, WATANABE

Claims 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Parulski et al. (USP 5,440,343) and in further view of Watanabe (USP 6,529,236). Applicant respectfully traverses.

Claims 17 and 18 depend from independent claim 5, and it is clearly demonstrated above that claim 5 is distinguishable over Nakazawa. Parulski and Watanabe are not, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is distinguishable over the combination of Nakazawa, Parulski and Watanabe. Then, for at least due to the dependency thereon, claims 17 and 18 are also distinguishable over the combination of Nakazawa, Parulski and Watanabe.

Applicant respectfully requests that the rejection of claims 17 and 18 based on Nakazawa, Parulski and Watanabe be withdrawn.

NEW CLAIMS

Through this Reply, claims 24-38 are added. All new claims depend from independent claims 1-5 directly or indirectly. Therefore, for at least due to the dependency thereon, the new claims are distinguishable over all cited references, individually or in combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION


All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

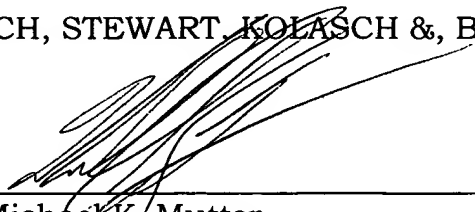
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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